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11
12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
14

15 **STUART S. PRESSLY,**

Petitioner,

17 v.

18 **F.B. HAWS, Warden,**

Respondent.

07cv2315 J (JMA)

**APPLICATION FOR
ENLARGEMENT OF TIME TO
FILE ANSWER TO PETITION
FOR WRIT OF HABEAS
CORPUS**

Judge: The Honorable Jan M. Adler

21 Stacy Tyler declares under penalty of perjury:

22 I am the Deputy Attorney General assigned to prepare Respondent's response to the
23 Petition for Writ of Habeas Corpus now pending in the above-entitled cause. The response is due
24 on April 21, 2008.

25 I respectfully request this Court extend the time to file Respondent's answer by **30 days**
26 through and including **May 21, 2008**, for the following reasons:

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1 Last Wednesday was my first day back in the office after sixth months of maternity leave.
2 This case was re-assigned to me the day after I returned. I was unable to begin substantive work on
3 it until Friday, however, because I spent the first two days back in the office attending to backlogged
4 administrative matters.

5 In addition to being assigned this case, I was assigned another federal habeas matter
6 (*Derritt v. Walker*, D. No. ED CV 08-425-SVW (PJW)); a complex, multi-defendant fraud case in
7 state court (*People v. Ontiveros et al.*, Ct.App. No. D050764), the paper record alone of which
8 comprises three banker's boxes; and another state-court direct appeal (*People v. Lopez*, Ct. App. No.
9 E042889). These other assignments notwithstanding, I am giving the instant case priority and will
10 work on and finish it first since the Court already granted the attorney to whom it previously was
11 assigned a 60-day enlargement.

12 Petitioner was convicted of armed robbery and of being a felon in possession of a firearm.
13 He was sentenced as a recidivist offender because of his multiple prior serious and violent felony
14 convictions. The state courts have considered and rejected the claims he presents in the Petition, and
15 have affirmed his sentence of sixty years to life in state prison. Given the seriousness of Petitioner's
16 crimes and criminal history, and the resulting length of his sentence, Petitioner will not be unduly
17 prejudiced by a 30-day enlargement, whereas, I will be unable to prepare an answer without it.

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1 Accordingly, I respectfully request a **30-day** extension to and including **May 21, 2008**, to
2 prepare a quality response in this matter, and allow adequate time for review and processing.

3 Dated: April 21, 2008

4 Respectfully submitted,

5 EDMUND G. BROWN JR.
Attorney General of the State of California

6 DANE R. GILLETTE
Chief Assistant Attorney General

7 GARY W. SCHONS
Senior Assistant Attorney General

8 RHONDA CARTWRIGHT-LADENDORF
9 Supervising Deputy Attorney General

10
11 s/Stacy Tyler

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80230096.wpd
16 SD2007803271

CERTIFICATE OF SERVICE BY U.S. MAIL

Case Name: **Pressly v. Haws**

No.: **07cv2315 J (JMA)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On April 21, 2008, I served the following documents:

**APPLICATION FOR ENLARGEMENT OF TIME
TO FILE ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

Electronic Mail Notice List

I have caused the above-mentioned document(s) to be electronically served on the following person(s), who are currently on the list to receive e-mail notices for this case:

NONE

Manual Notice List

The following are those who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing):

Stuart Scott Pressly
V-48636
California State Prison
Los Angeles County
P.O. Box 8457
Lancaster, CA 93539-8457
In Pro Pro

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 21, 2008, at San Diego, California.

Maria G. Stawarz

Declarant


Signature